1 2 3 4 5	CHARLES B. PERKINS #126942 GARY S. ROSE #83744 SUSAN D. PELMULDER #234731 FLYNN, ROSE & PERKINS 59 North Santa Cruz Avenue, Suite Q Los Gatos, California 95030 (408) 399-4566 E-Mail: cbperk@earthlink.net, gsroselaw@hot	tmail.com
6	Attorneys for Plaintiff DR. JOEL DREXEL	
7		
8	UNITED STA	TES DISTRICT COURT
9	NORTHERN DIS	STRICT OF CALIFORNIA
10		
11	DR. JOEL DREXEL,	) Case No. C08 3653 JW
12 13	Plaintiff,	) STIPULATION OF THE PARTIES RE: ) PROPOSED AMENDMENT, TO , /
	vs.	SCHEDULING ORDER; PROPOSED ORDER
<ul><li>14</li><li>15</li></ul>	BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA; THE GUARDIAN LIFE INSURANCE	
16	COMPANY OF AMERICA, DOES I THROUGH V, INCLUSIVE, AND ROE CORPORATIONS I THROUGH V,	
17	INCLUSIVE,	)
18 19	Defendants.	) ) )
20	Plaintiff Joel Drexel, through his	counsel of record Gary S. Rose, and Defendan

ts Berkshire Life Insurance Company of America and The Guardian Life Insurance Company of America, through their counsel of record Sean P. Nalty, hereby submit the following stipulation, in which the parties respectfully request that the court modify its scheduling order to extend the deadline for the disclosure and filing of expert witness reports from the current date of August 3, 2009, to August 17, 2009, for the reasons discussed below:

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Plaintiff's current counsel substituted into this case on April 16, 2009, and have 1. diligently worked with defense counsel to develop the issues on a fact and document intensive

case, involving a disputed claim for long-term disability benefits.

- A number of experts will likely be required in this case, including experts on 2. insurance claims practices, vocational rehabilitation, physician testimony on issues of injury and disability, and potentially other experts.
- 3. The parties are currently set for mediation with retired Judge Edward Infante on July 23, 2009. Given the current expert disclosure date of August 3, 2009, the parties are in the position of being forced to incur significant expert witness preparation fees, given the size of the claim file and the medical issues involved, before the mediation takes place.
- 4. The parties have conferred, and agreed that it would be preferable to preserve these resources for settlement, rather than spend them on expert witness preparation.
- 5. Therefore, in an effort to put the parties in the best posture to settle, they respectfully request that the court modify its April 28, 2009 scheduling order to permit the disclosure and filing of expert witness reports on August 17, 2009, in lieu of the current date of August 3, 2009.

In all other respects, the parties stipulate and agree that the scheduling order shall remain unchanged.

DATED: July 14, 2009	Ву	GARY S. ROSE Attorneys for Plaintiff DR. JOEL DREXEL
DATED: July 14, 2009	Ву	/s/ SEAN P. NALTY Attorney for Defendants BERSHIRE LIFE INSURANCE COMPANY OF AMERICA and THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA

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PROPONER ORDER
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Based on the stipulation stated above, and good cause appearing, the court hereby orders that the April 28, 2009 scheduling order shall be modified to permit the disclosure of expert witnesses on August 17, 2009. In all other respects, the scheduling order remains unchanged.

July 20, 2009 DATED: \_\_